



# UNITED STATES PATENT AND TRADEMARK OFFICE

*clo*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,548	01/11/2002	Jin Wook Kim	2529-000075	9928

27572 7590 05/17/2004

HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER
----------

KRISHNAMURTHY, RAMESH

ART UNIT	PAPER NUMBER
----------	--------------

3753

DATE MAILED: 05/17/2004 *//*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/044,548

Applicant(s)

KIM, JIN WOOK

Examiner

Ramesh Krishnamurthy

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3753

This office action is responsive to a request for continued examination filed 04/16/2004.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/16/2004 has been entered.

**Claims 1 and 3 – 5 are pending.**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art admitted to by the applicant (Figs. 4 – 7 & corresponding description in paragraphs [0002] – [0006] of the specification) in view of Grant (US 5,533,548).

The prior art admitted to by the applicant (Figs. 4 – 7 & corresponding description in paragraphs [0002] – [0006] of the specification) discloses a pilot poppet type pressure control valve that includes a main poppet (3) that has a boundary between a high pressure chamber (H) and a back pressure chamber (B), is elastically supported by a second elastic member (4), reciprocates based on an interrelationship between a pressure of the back pressure chamber with respect to the pressure of the high pressure chamber and an elastic force of the second elastic member (4) for thereby

Art Unit: 3753

opening and closing a discharging flow path of the high pressure chamber (H), and a pilot poppet (6) which is elastically supported by a first elastic member (7) in the discharging port (12) of the back pressure chamber (B), reciprocates based on an interrelationship between a pressure of the back pressure chamber and an elastic force of the first elastic member (7) for thereby opening and closing the discharging port (12) of the back pressure chamber (B) wherein the pilot poppet (6) seals the discharging port (12) of the back pressure chamber (B) by a supporting force of the first elastic member (7) when the pressure of the chamber (H) is below a set pressure level, and the discharging flow path of the chamber (H) is closed by the main poppet (3) to which the back pressure of the chamber (B) is applied, and the pilot poppet (6) opens the discharging flow path of the chamber (H) to the main poppet (3) to which the pressure of the chamber (H) is applied as the pilot poppet opens the discharging port (12) by the pressure of the chamber (H) when the pressure of chamber (H) exceeds set pressure level. The limitation pertaining to linear surface of pilot poppet being in contact with the surface of the discharging port is met by the prior art admitted to by the applicant in Fig. 4.

The prior art admitted to by the applicant fails to explicitly disclose a gradual increase in the diameter of the discharging port (12) in the downstream direction.

Grant ('548) discloses a poppet type pressure relief valve (10) having a valve element (14) seating against an arcuate surface (50) of the discharging port defined by a valve seat (46) whose inner diameter changes gradually in the downstream direction (Figs. 1, 2) for the purpose of eliminating valve noise (Col. 1, lines 45 - 47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided in the prior art valve disclosed by the applicant (Figs. 4 – 7 & corresponding description in paragraphs [0002] – [0006] of the specification) a discharge port (12) whose area changes gradually in the downstream direction for the purpose of eliminating valve noise as recognized by Grant ('548).

Regarding claim 3, it is noted (Figs. 4 – 7) that the poppet has an outer surface with a sealing portion (of the portion (6a)) whose diameter gradually increases.

Regarding claim 4, it is noted that the valve disclosed in the prior art admitted to by the applicant (Figs. 4 – 7 & corresponding description in paragraphs [0002] – [0006] of the specification) further comprises a piston (1) that reciprocates in the main poppet (3) to and fro, is elastically supported by a second elastic member (4) and opens the pilot poppet (6) together with the main poppet (3) when the piston (1) is moved by the pressure in the high pressure chamber (H).

Regarding claim 5, it is noted (Fig. 4) that the piston (1) includes an orifice (1a) formed in the interior of the piston.

#### ***Response to Arguments***

4. Applicant's arguments filed 04/16/2004 have been fully considered but they are not persuasive. Applicant is essentially arguing that, for the reasons set forth explicitly in subparagraphs a) – d) on pages 4 and 5 (of 9) of the remarks filed on 04/16/2004, Figures 4 – 7 do not constitute prior art. However, in the amended drawings filed with the response on 08/29/2003, applicant has explicitly labeled these figures as 'Prior Art'. The response filed 04/16/2004 including the amendment and remarks therein has not

Art Unit: 3753

changed the status of Figures 4 – 7 from that of admitted prior art. Thus, the rejection set forth above is proper.

In regard to the argument that the poppet surface in Grant is convex, it is the examiner's position that only the discharging port's surface in the admitted prior art is being modified in view of Grant's teachings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (703) 305 - 5295. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel, can be reached on (703) 308 - 1272. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 - 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0861.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramesh Krishnamurthy  
Examiner  
Art Unit 3753